

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

**LARRY FREDERICK and,
SHARON FREDERICK,**

Joint Debtors.

**LARRY FREDERICK and,
SHARON FREDERICK,**

Movants,

vs.

Bankruptcy No. 18-70870-JAD

Chapter 11

Document No.

Related to Doc. No.

NO RESPONDENT.

EXPEDITED APPLICATION FOR APPROVAL OF REAL ESTATE BROKER

AND NOW come Larry Frederick and Sharon Frederick (the “Debtors”), by and through their Counsel, Robert O Lampl, John P. Lacher, Ryan J. Cooney and Sy O.

Lampl and file the following **EXPEDITED APPLICATION FOR APPROVAL OF REAL ESTATE BROKER:**

1. The Movants are Larry Frederick and Sharon Frederick, the Debtors in this Chapter 11 Case.
2. On January 8, 2021, the Debtors filed a Motion to Approve Stipulation and Consent Order Settling Contested Matters Between the Debtors and M&T Bank and Establishing Asset Sale Process (the “Motion to Approve”) (DOC # 173).
3. The Motion to Approve seeks approval of a Stipulation between M&T Bank and the Farm Service Agency, which Stipulation provides for sales a process for three pieces of real property owned by the Debtors along with corresponding personal property (See Exhibit A to the Motion to Approve).

4. While the Stipulation is still pending approval, the Debtors intend to initiate a sales process consistent with the same which sales process includes the hiring of a Real Estate Broker.

5. The Debtor has, subject to this Honorable Court's approval, engaged Juniata Realty to market the following three properties and corresponding personal property consistent with the Listing Contract attached hereto as **Exhibit A**:

- A. An approximately 161-acre parcel located at, and commonly known as, 1098 Frederick Road, Martinsburg, Pennsylvania 16662 ("1098 Frederick Road");
- B. An approximately 66-acre parcel located at, and commonly known as, 1219 Frederick Road, Martinsburg, Pennsylvania 16662 ("1219 Frederick Road") (collectively with 1098 Frederick Road, the "Frederick Road Properties"); and
- C. An approximately 59.94-acre parcel identified as Blair County Tax Parcel No. 20.000-12-001.00, located at Frederick Road in Martinsburg, Pennsylvania 16662, which is referred to as Cove Lane ("Cove Lane").

6. The Debtor believes that Juniata is experienced in these matters and is well qualified to perform all of the foregoing services necessary and required by the Debtor.

7. Per paragraph 5 of the Listing Contract, Juniata shall receive 6% of the sale price or \$3,000, whichever is greater.

8. Juniata Realty shall not be due a commission in connection with any transaction between the Debtors and Eric Frederick, Jennifer Frederick, Mark Frederick, Rodney Metzler or M&T Bank.

9. Neither Juniata Realty nor the professionals at Juniata Realty who will be performing the services consistent with the Listing Contract have any connection with the Debtors, the creditors of the Debtors, any other party in interest, their respective attorneys and accountants, the United States Trustee or any person employed in the office of the United States Trustee.

10. A Verification Statement Pursuant to Bankruptcy Rule 2014 which supports and elaborates on the averments set forth in paragraph 9 is attached hereto.

11. The Debtors seek approval of Juniata Realty on an expedited basis as the Debtors have agreed with their primary secured lender, M&T Bank, to schedule a Sale Hearing between March 10, 2021 and March 18, 2021 (subject to this Court's approval and availability). It was anticipated that a Sale Hearing around this time would give Juniata Realty approximately sixty (60) days to market the property. In fairness to Juniata Realty, the Debtors are seeking expedited relief so that Juniata Realty can be approved (or denied) before spending too many resources on marketing the properties.

WHEREFORE, the Debtor respectfully requests that this Honorable Court approve Juniata Realty as the Debtor's Real Estate Broker.

Respectfully Submitted,

Date: January 14, 2020

/s/ Robert O Lampl
ROBERT O LAMPL
PA I.D. #19809
JOHN P. LACHER
PA I.D. #62297
RYAN J. COONEY
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CERTIFICATE OF SERVICE

I, Robert O Lampl, hereby certify, that on the 14th day of January, 2021, a true and correct copy of the foregoing **EXPEDITED APPLICATION FOR APPROVAL OF REAL ESTATE BROKER** was served upon the following (*via electronic service*):

Office of the U.S. Trustee
970 Liberty Center
1001 Liberty Avenue
Pittsburgh, PA 15222

Cody R. Smith
Juniata Realty
13921 Lincoln Hwy
Everett, PA 15537
codysmith@juniatarealty.com

Date: January 14, 2021

/s/ Robert O Lampl
ROBERT O LAMPL
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